

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34034
Docket No. CL-34566
00-3-98-3-232**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (
(Transportation Communications International Union
(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11990) that:

- (a) I, Andrew Corcoran, the 0700 IBM Clerk at North Billerica, MA, am claiming a violation of the TCU Agreement Rule 1.2.**
- (b) Mr. Victor Tardiff, delivered a NESE31 at Barbers on April 1, 1997, 1500 hour at 1440 hours. Mr. Tardiff is a Transportation Supervisor and should not have done this computer work at Portland ME. All deliveries and receipts for the former B&M RR are done at North Billerica, MA.**
- (c) I am claiming one day's pay for this flagrant violation.**
- (d) The train consist of NESE-31 and car location inquiry are attached.**

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The facts developed on the property show that on April 1, 1997, the Claimant held the first trick assignment as Transportation Services Representative at the Carrier's offices at North Billerica, Massachusetts. On that date, the Claimant arrived for his first trick assignment and was sent home (with compensation) due to a loss of power at North Billerica resulting from a substantial snow storm. At 12:50 P.M. the second trick Clerk at North Billerica marked off because he was snowbound. In an attempt to fill the vacancy, every qualified Clerk was called (including the Claimant). The second trick Clerk finally covered the assignment.

The dispute arose when the computer at North Billerica came back on line later during the day. A Carrier manager, Transportation Supervisor V. Tardiff, made one delivery on the computer in order to clear a number of freight cars from the Carrier's accounts.

The claim will be denied. The extraordinary circumstances that there was a snow storm; a resulting power failure; the Carrier's difficulty in filling the vacant position after calling all qualified Clerks, including the Claimant; the fact that the Claimant was paid for the day; and the very limited nature of the work performed by the Carrier's manager cannot permit a finding of a Rule violation for which the Claimant would be entitled to compensation beyond that already received.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of May, 2000.